



## Welch Public Schools

P.O. Box 189

707 South Curtis

Welch, OK 74369

Phone # (918) 788-3319

Fax # (918) 788-3734

JAN 21 2004

FCC - MAILROOM



02-6



DOCKET FILE COPY ORIGINAL

Cover Sheet

Date: January 21, 2004

Total Pages: 11  
(including cover sheet)Send To: Federal Communications Comm.Fax #: 202-418-0187

Attention: \_\_\_\_\_

From: R. Clark McKeonPhone #: 918-788-3319email: cmckeon@welchwildcats.net

Urgent



Reply ASAP

Please  
Comment

Please Review

For Your  
Information

## Remarks:

Contact: R. Clark McKeon, Superintendent  
 Phone - 918-788-3319  
 Email - cmckeon@welchwildcats.net

For review: Cover letter, Federal Communications Commission dated 01/16/04  
Letter of Appeal, Schools & Libraries, dated 05/21/03  
Copy of FCC Form 470, signed 09/25/02  
Letter from USAC dated 12/05/03 "Administrator's Decision on  
Appeal - Funding Year 2003-2004"  
Affidavits from R. Clark McKeon, Linda Pitcher, and Deborah Gamble

Original documents are being mailed by Certified Mail today.

Attention

This message is intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

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JAN 21 2004

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Federal Communications Commission  
Office of the Secretary  
445 - 12<sup>th</sup> Street SW  
Washington, D.C. 20554

1/16/04

Billed Entity Number: 140158  
471 Application Number: 349714  
Funding Request Numbers: 972886, 872821, 972978, 973035, & 987572  
Denial Letter Dated: 12/5/03

This is a Request for Review, reference CC Docket No. 02-6. We are appealing the SLD Administrator's Decision on Appeal, Funding Year 2003-04. Attached are copies of our original letter of appeal letter to the SLD, our 470 certification form, our denial letter from the SLD, and affidavits attesting the mailing of our Form 470 Certification.

The SLD denied our appeal on the basis that we could not prove our Form 470 Certification was mailed on time. We humbly submit that the attached affidavits are truthful, accurate and prove our certification form was mailed on time.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. C. McKeon'.

R. C. McKeon  
Welch Public Schools  
PO Box 189  
Welch, OK 74369  
(918) 788-3319  
(918) 788-3734 fax  
[cmckeon@welchwildcats.net](mailto:cmckeon@welchwildcats.net)

JAN 21 2004



Letter of Appeal  
Schools and Libraries Division  
Box 125 Correspondence Unit  
80 South Jefferson Road  
Whippany, New Jersey 07981

5/21/03

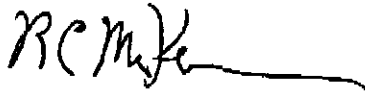
Re Welch Independent School District 17  
R. C. McKeon  
PO Box 189  
Welch, OK 74369  
Form 471 Application Number 349714  
Funding Year 2003. 07/01/2003 - 06/30/2004  
Billed Entity Number: 140158  
Applicant's Form Identifier 1017

I am writing to appeal the Funding Commitment Decision Letter dated May 1, 2003, denying 2003-2004 funding for Welch Public Schools

On September 25, 2002 I electronically submitted Form 470. That day, I mailed the certification form to the address in Lawrence, Kansas as per the instructions on the form (see attached copy). It was not until March 26, 2003 that I received a fax from Kenneth Stibitz at SLD in Whippany, New Jersey notifying me our Form 470 (Application # 46260000416717) is not certified. In return, I immediately faxed Mr. Stibitz a copy of the certification form. During a subsequent telephone conversation, he told me several revealing indicators including the following (1) the office in Lawrence, Kansas is known for breakdowns in processing paperwork, i.e. losing submitted forms, and being unreliable; (2) if I had, in fact, submitted the certification form by mail (which I did as per instructions on the form) and it had been lost by the Lawrence office, funding would be denied due to violation of program rules; (3) he had no explanation why SLD is located in New Jersey and the certification forms are sent to Kansas; (4) he could not tell me why it took SLD six months to make notification that our Form 470 Certification had not been received; and (5) he was unable to tell me why there was no notification about the lack of certification until after the deadline had passed.

Bottom line, I properly submitted the forms for 2002-03 and received E-rate funding for Welch Public Schools. However, I submitted the forms for 2003-04 in the exact same manner and funding is denied. The certification form in question was mailed on 9/25/02 to the address in Lawrence, Kansas as per instructions listed. Attached is a copy of that form. I appeal the denial of funding for 2003-04 on the grounds that the 470 certification was sent in a timely fashion but not processed appropriately.

Sincerely,



R. C. McKeon, Superintendent  
99180 788-3319  
(918) 788-3734 fax  
[cmckeon@welchwildcats.net](mailto:cmckeon@welchwildcats.net)

Block 5 Page C

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HOME | CANCEL | HELP

**FCC Form 470**

Universal Service Program Description of Services Requested and Certification Form



Entity Number: 140158

Applicant's Form Identifier: 4702003/2004

Contact Person: R. C. McKeon

Phone Number: 918-788-3644

FCC Form

Approval by OMB  
3060-0806**470****Schools and Libraries Universal Service  
Program Description of Services Requested  
and Certification Form**

Do not write in this area

Form 470 Application Number: 426260000418717

19. The applicant includes: (Check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☐ individual technology plans for using the services requested in the application
- b. ☒ higher-level technology plans for using the services requested in the application
- c. ☐ no technology plan needed, application requests basic local and/or long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed status, check both a and b)

- a. ☒ Technology plan(s) has/have been approved by a state or other authorized body.
- b. ☐ Technology plan(s) will be approved by a state or other authorized body.
- c. ☐ The application requests basic local and/or long distance telephone service only; no technology plan needed.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software,

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Page 2 of 3

maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true

25. Signature of authorized person <i>R. C. McKeon</i>	26. Date <i>7/25/02</i>
27. Printed name of authorized person R. C. McKeon	
28. Title or position of authorized person Superintendent	
29. Telephone Number (918) 788-3644	

Form 470 Application Number:

WELCH INDEP SCHOOL DISTRICT 17

707 S CURTIS ST

WELCH, OK 74369-

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at [www.sl.universalservice.org/vendor/manual/chapter5.doc](http://www.sl.universalservice.org/vendor/manual/chapter5.doc) or call the Client Service Bureau at 1-888-203-8100.

NOTICE Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC, or (b) any employee of the FCC, or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20534.

Please submit this form to:

SLD - Form 470  
P.O. Box 7026  
Lawrence, KS 66044-7026

<http://www.sl.universalservice.org/Form470/Block5e.asp>

9/25/02



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal - Funding Year 2003-2004**

December 5, 2003

R.C. McKeon  
Welch Independent School District  
PO Box 189  
Welch, OK 74369

Re: Billed Entity Number: 140158  
471 Application Number: 349714  
Funding Request Number(s): 972886, 972921, 972978, 973035 & 987572  
Your Correspondence Dated: May 21, 2003

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2003 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 972886, 972921, 972978, 973035 & 987572  
Decision on Appeal: **Denied in full**  
Explanation:

- You stated in your appeal letter that the Form 470 was submitted electronically on 9/25/02, and on the same day, the certification form was mailed to Lawrence, Kansas as per the instructions on the form. You stated that you were not aware of any problems until 3/26/03 when you received a fax from PIA. You claimed that you then faxed a copy of the Form 470 to PIA, and in a telephone conversation, PIA informed you of several issues with the Lawrence, Kansas SLD office. Your appeal letter also stated that you were not satisfied with PIA's responses to your questions related to time lines and SLD offices. You are appealing based on your claim that you sent your 470 certification on time, but it was not processed appropriately.
- The applicant is responsible for filing all forms completely and in a timely fashion. In addition, the SLD website instructions for filing Form 470 suggests

the use of express mail or return receipt and advises that the applicant save proof of mailing. This would prevent a denial in the case of a form being lost at any point.

- Our records indicate that your Form 470 Certification was not postmarked prior to the close of the filing window on 2/6/03. During the course of the initial review you indicated that you did not mail the Certification Form express mail or return receipt requested. Since you could not prove that the Form 470 Certification was mailed prior to 2/6/03, the SLD must rely on its records.
- Program rules for Funding Year 2003 require that Form 470 Certifications be postmarked no later than 2/6/03 in order for the Form 470 to be valid and establish the bidding for the related services. Since our records indicate that your Form 470 Certification did not meet this requirement, it cannot be used to establish the bidding for the corresponding service. During initial review you confirmed the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be **POSTMARKED** within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company



**AFFIDAVIT**

STATE OF OKLAHOMA §  
COUNTY OF CRAIG §

I, R. Clark McKeon, the undersigned person, being of lawful age, attest that on September 25, 2002, I personally signed the 470 Certification Form for funding year 2003-04; sealed the signed 470 Certification Form in an envelope; affixed a mailing label on envelope; and placed the addressed envelope in the outgoing school mail tray.

RC McKeon  
Affiant (Superintendent of Welch District 1017)

Subscribed and sworn to me this 21st day of January, 2004.

Linda Pitcher  
Notary Public

Commission Expires August 10, 2004 Commission # 00013132

SEAL

## AFFIDAVIT

STATE OF OKLAHOMA §  
COUNTY OF CRAIG §

I, Linda Pitcher, the undersigned person, being of lawful age, attest that I personally typed on September 25, 2002 an address label for Superintendent R. Clark McKeon for an envelope to mail a 470 Certification Form. The label I typed was addressed to SLD-Form 470, P.O. Box 7026, Lawrence, KS 66044-7026. Also, I witness R. Clark McKeon inserting the 2003-2004 Funding Year 470 Certification Form into a mailing envelope, sealing the envelope, affixing the address label on the envelope, and placing it in the outgoing school mail tray, which is located across from my desk.

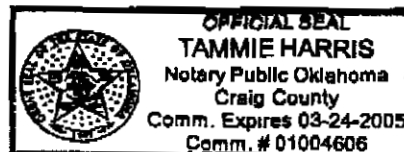
Linda Pitcher  
Affiant (Secretary to Superintendent)

Subscribed and sworn to me this 21st day of January, 2004.

Tammie Harris  
Notary Public

Commission Expires 2-24-05 Commission # 01004606

SEAL



**AFFIDAVIT**

STATE OF OKLAHOMA       §  
COUNTY OF CRAIG       §

I, Deborah Gamble, the undersigned person, being of lawful age, attest that I personally sort and stamp outgoing mail. On September 25, 2002, the outgoing mail included an envelope to be mailed to SLD-Form 470, P.O. Box 7026, Lawrence, KS 66044-7026. I personally delivered the outgoing mail containing this envelope to Welch Post Office on this date of September 25, 2002.

Deborah Gamble  
Affiant (Secretary to Principal)

Subscribed and sworn to me this 21st day of January, 2004.

Linda Piche  
Notary Public

Commission Expires August 10, 2004 Commission # 00013132

SEAL